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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,599	09/25/2001	Scott C. Harris	RANDOM-Spam	5191
23844	7590	05/19/2004	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	4
DATE MAILED: 05/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/682,599

Applicant(s)

HARRIS, SCOTT C.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on March 5, 2004 where applicant amended claims 7,13 and 15. A new non-final action is being attached with this communication in view of newly found references. Claims 1-16 are pending.

### ***Specification***

2. The disclosure is objected to because of the following informalities:  
Paragraph [0017] line 5, change "does not that exactly" to "does not exactly".  
Appropriate correction is required.

### ***Drawings***

3. The drawings were received on 3//5/04. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

4. Claim 13 recites the limitation "said filter content" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being unpatentable over Nielsen (U.S. Patent No. 5,970,492)

7. In reference to claim 1, Nielsen teaches an article, comprising:

A method and a machine readable medium which stores machine executable instructions, the instructions causing a computer to:

Detect random information in a descriptor of an electronic communication (column 1 lines 19-51, column 6 and column 12 lines 15-30, Nielsen discloses determining the presence of random information in the text of an electronic communication, such as email);

Establish said electronic communication as being an undesired electronic communication based on said detect of said random information (column 1 lines 19-51, column 6 and column 12 lines 15-30, Nielsen discloses establishing the (email) text as undesirable based on the detection of the random information);

8. In reference to claim 2, Nielsen teaches an article as in claim 1, wherein said random information includes a plurality of random characters (column 6 lines 40-50).

9. In reference to claim 3, Nielsen teaches an article as in claim 1, wherein said random information includes a plurality of random words (column 6 lines 40-50).

10. In reference to claim 4, Nielsen teaches an article as in claim 1, wherein said detect random information comprises detecting specified words which include additional random

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information associated therewith (column 5 lines 40-67 and column 6 lines 24-50, Nielsen discloses detecting words which are specified in a database which may include random characters).

11. In reference to claim 5, Nielsen teaches an article as in claim 2, wherein said detect random characters comprises comparing a content of said electronic communication to a dictionary of words, and establishing parts within said electronic communication that are not within said dictionary as being random characters (column 5 lines 40-67 and column 6 lines 24-50, Nielsen discloses comparing text with dictionary database).

12. In reference to claim 6, Nielsen teaches an article as in claim 1, wherein said electronic communication is one of an e-mail or a web page (column 12 lines 15-30).

13. In reference to claim 7, Nielsen teaches an article as in claim 1, further comprising an instruction to filter said electronic communication based on said instructions to establish said electronic communication as being an undesired communication (column 6 lines 40-67, Nielsen discloses filtering of the email content through a procedure/instruction correcting the text containing random information).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Patent No. 5,970,492) in view of Fishkin (US Patent No 6,460,074).

16. In reference to claims 8,9 and 13, Nielsen teaches the invention as described in claims 1-7 above. Nielsen fails to explicitly teach wherein said filtering occurs prior to reaching a user and wherein it comprises restricting said electronic communication from reaching said user. However, Fishkin teaches a reconsideration prompt for filtering purposes before an email is sent to a user over the network (Abstract and columns 2-5).

It would have been obvious for one of ordinary skill in the art to modify Nielsen by filtering and restricting the communication prior to being sent to a user as per the teachings of Fishkin so as to reduce the incidence of random information in electronic communications.

17. In reference to claim 10, Nielsen teaches the above, wherein said random information includes a plurality of random characters (column 6 lines 40-50).

18. In reference to claims 11 and 16, Nielsen teaches the above, wherein said detect random characters comprises comparing a content of said electronic communication to a dictionary of words, and establishing parts within said electronic communication that are not within said dictionary as being random characters (column 5 lines 40-67 and column 6 lines 24-50, Nielsen discloses comparing text with dictionary database).

19. In reference to claim 12, Nielsen teaches a method as in claim 8, further comprising defining rules which determine which electronic communications should be filtered, and detecting said electronic communications based on said rules (column 1 lines 19-51, column 6 and column 12 lines 15-30).

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20. In reference to claim 14, Nielsen teaches an article as in claim 1, wherein said detect random information comprises detecting specified words which include additional random information associated therewith (column 5 lines 40-67 and column 6 lines 24-50, Nielsen discloses detecting words which are specified in a database which may include random characters).

21. In reference to claim 15, Nielsen teaches an article as in claim 13, wherein said establishing establishes the communication as one to be filtered when the content matches by 80-90% percent or more (column 1 lines 19-51, column 5 lines 40-67, column 6 and column 12 lines 15-30, Nielsen discloses wherein the filtered content is misspelled words which can match 80-90% or more).

#### ***Response to Amendment***

22. The examiner acknowledges the amended claims 7,13 and 15 filed on 3/5/2004.

23. Applicant amended the abstract to meet the requirements of MPEP 608.01(b) and thus the examiner withdraws the objection to the abstract.

#### ***Response to Arguments***

24. Applicant's arguments with respect to claims 1-16 have been considered.

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25. Applicants remarks regarding the claims are sufficient to overcome the prior-art references. A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

26. Applicants request for allowance is respectfully denied based on the newly cited art above.

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- US Patent No 6,434,601 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050.

The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

RMO  
May 6, 2004

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100